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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,700	02/19/2004	Francisco Garcia Garcia	5629/19	2015

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EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/780,700

Applicant(s)

GARCIA, FRANCISCO GARCIA

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **“mechanical equipment for the movement of the machine”** (claim 1, line 19); **“hydraulic equipment (pump)”** (claim 1, line 21); **“a compacting system”** (claim 3, lines 2-3); **“means for moving the machine”** (claim 6, lines 2-3); **“ a compact and self propelled body”** (claim 6, lines 2-3); **“rollers equipped with claws and conveyor belts”** (claim 6, line 4); **“the frame is curved and is split into two fixed sections on both sides of the machine body and the two bodies of needles which are also curved”** (claim 10, lines 2-4); and **“the frame is split into two fixed sections on both sides of the machine body”** (claim 11, lines 2-3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to under 37 CFR 1.71 as not clearly describing the subject matter.

On page 4, line 18, the specification discloses that the platform for expulsion of the bales supports the rear platform and the generator. It is unclear how this supporting structure is being constructed because fig. 1 shown that the platform for expulsion of the bales (14) is located in the rear of the machine and fig. 2 shown that the generator (15) is located in the front of the machine and below the platform for expulsion of the bale. Therefore, it is unclear how the platform for expulsion of the bales can supports the generator.

On page 5, lines 21-22, the specification discloses that a braking tunnel is programmable to exercise different levels of pressure and achieve different levels of compaction. It is unclear how this function is being carried out and what kind of components are being used in the braking tunnel in order to achieve this function.

On page 6, first paragraph, the structural and operational of the folding frame (11) is unclear. The drawings do not clearly shown the specific detail of the folding frame, the tying system and the grooves in the braking tunnel; therefore, it is unclear how the folding frame is

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being folded, unfolded and separated from the machine body in cooperation with the tying system and the brake tunnel as disclosed in lines 6-10, in order to fold and tie the type of wood material or tree trucks with a diameter up to 30 centimeters or more.

On page 6, second paragraph, the specification discloses that the material is compacted continuously, then tied up and advanced to move the previous bale to expel the previous bale through the rear part of the machine. However, it is unclear how the material is being compacted and then advanced to move and expel the previous bale. It is understood that the material is being compacted by a pressing plate (6), but it is unclear what the pressing plate is pressing against in order to compact the material therebetween and what element is being used to advance the tied material to move/expel the previous bale through the rear part.

The disclosure is objected to because of the following informalities:

1) In the abstract, line 1, the words "The invention related to" should be deleted in order to conform to US rule. Correction is required. See MPEP § 608.01 (b).

2) The specification fails to include section headings, the following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

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- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

3) Regarding page 4, lines 30 and 33, the disclosure is objected to because reference character "4" has been used to designate both "side hatches" and "the hopper". Appropriate correction is required.

Claim Objections

Claims 3-11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to the other claims in the alternative only. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, see similar discussion regarding the compaction, pressing, folding, tying and baling of the wood materials as set forth in the objection to the specification under 37 CFR 1.71 above.

Regarding claims 9-11, see similar discussion regarding the folding frame as set forth in the objection to the specification under 37 CFR 1.71 above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 2, the claims are a catalogue recitation of elements and fail to define the structural interrelationships between the elements. The claims are narrative in form and replete with indefinite and functional or operational language. **The structure which goes to**

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make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. For example:

Regarding claim 1, line 8, the term “as well as” is a relative term which renders the claim indefinite. It is unclear which elements (a cutting or a counter cutting equipment) is located in the upper part of the pressing plate. The specification does not provide support for the counter cutting equipment located in the upper part of the pressing plate.

Regarding claim 1, line 8, there is no antecedent basis for “the pressing plate” in the claim.

Regarding claim 1, line 9, there is no antecedent basis for “the compaction and pressing” in the claim.

Regarding claim 1, line 11, it is unclear whether the limitation “pressing plate” is the same “pressing plate” as claimed in line 8.

Regarding claim 1, line 14, there is no antecedent basis for “the tying and baling” in the claim.

Regarding claim 1, line 15, there is no antecedent basis for “the plant materials” in the claim.

Regarding claim 1, line 15, there is no antecedent basis for “the compaction process” in the claim.

Overall, it is unclear what structural inter-relationship exists between all of the elements as claimed in claim 1 in order to have a complete operative device.

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Regarding claim 3, lines 2-3, it is unclear whether "a compacting system" is the same compacting system (i.e. pressing plate, piston,...) as claimed in claim 1, lines 11-13.

Regarding claim 6, lines 2-4, the word "means" is followed by the word "of self propulsion" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the words following "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Regarding claim 6, line 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 7, line 4, the word "means" is followed by the word "of rollers" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the words following "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

All claims should be carefully reviewed for clarity and definiteness.

Allowable Subject Matter

Regarding claim 1, the following is a statement of reasons for the indication of allowable subject matter: The art of record, considered alone or in combination, neither anticipates nor renders obvious *a machine on a mobile work base having a recovery and feed equipment using a hydraulic loading arm claw*, in combination with the rest of the claimed limitations.

US 4,184,426 to Oosterling et al. discloses a mobile compaction and baling device having a hopper (34), a pressing plate (3), a braking tunnel (fig. 1), baling wire (fig. 1), cutting element (col. 3, line 36), counter cutting element (37). Oosterling discloses the use of rollers and conveying system (121) for feeding material into the hopper. Oosterling does not suggest the use of hydraulic loading arm-claw as a feeding equipment.

US 4,487,120 to Barstow discloses an mobile work base for compacting trees having a compactor (20) and a hydraulic loading arm-claw (24) as a feeding equipment for feeding material into a hopper (16). Barstow does not teach or suggest the tying or baling of the compacted material on the mobile work base.

US 4,594,942 to Denneboom discloses a compactor having a feed hopper (3) with hydraulically-operated fold-down side hatches (7, 8).

U 5,193,449 to Ransom discloses a baler having a folding frame (fig. 6)

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
May 24, 2005

A handwritten signature in black ink, appearing to read 'Derris H. Banks', with a large, stylized 'B' at the end.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700